

Appl. No. 10/506,996
Amdt. Dated Jan. 31, 2006
Reply to Office Action of Nov. 17, 2005

Amendments to the Drawings:

The attached sheet of drawing includes changes to Fig. 4. This sheet, which includes Figs. 4-5, replaces the original sheet including Figs. 4-5. In Fig. 4, element 40 has been re-numbered as element 41.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes Made

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REMARKS/ARGUMENTS

The Applicants have amended their drawings so that numeral (40) shown in Figure 4 has been changed to (41). Accordingly, the specification has also been amended so that now “wire bundle” is used to designate (40) and “insert” is used to designate (41). The Abstract has been corrected to remove the term “means.” The Applicants have amended their claims to more clearly define what is considered the invention. The indefinite phrase “attachment means” has been removed from the claims and reference of dependent claims to either the “fastener” or the “insert” which lacked antecedent basis have been deleted. Claim 7 has been amended to define the flap as being inwardly pivotable and located within the hook between the jaws. The Applicants have noted the re-numbering of claims due to the previous cancellation of claim 5. Support for these amendments is found in various places throughout Applicants’ specification. No new matter has been added.

By the amendments presented herein, the Abstract and drawings have been corrected and therefore the requirements for correction have been met.

Claims 1-15 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In response to this outstanding rejection, the Applicants have amended claims 1, 4, 5, 6, 7, 9, 10, and 15 so that the basis for this rejection in each case has been addressed and overcome. In light of these amendments, it is respectfully requested that this outstanding rejection under 35 U.S.C. 112, second paragraph, be reconsidered and withdrawn.

Claims 1-8 and 14-15 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

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Patent 6,561,471 to Hawie. It is well settled law that a claim rejection properly grounded under 35 U.S.C. 102 must contain each and every claimed element within the cited reference. The outstanding rejection under 35 U.S.C. 102 is insufficient because the '471 patent to Hawie fails to teach all of the limitations of claims 1-8 and 14-15. The claimed features are either missing or have been mischaracterized by the Examiner in his attempt to find the corresponding structures within the Hawie reference. The Examiner has merely engaged in impermissible hindsight reconstruction of the Applicants' invention using their claims as the starting point and misinterpreting the claimed features in an attempt to find them in the Hawie reference.

For example, the Applicants have disclosed and claimed a self-clinching cable hook with a planar bottom surface having self-clinching attachment structures, however no such attachment structures can be found in Hawie which teaches "... suitable fasteners such as screws, bolts, or nails (18) which occupy through-holes (16) and (17) in the mounting plate." to attach the devices. The self-clinching limitation is present in all of the claims. Similarly, all of the claims include the limitation of a single laterally extending notch on the inside surface of the upper jaw proximate the frontal opening, however no such structure exists in the Hawie reference. In an attempt to find the claimed notch structure, the Examiner has identified element (30) of the Hawie rod holder, however the feature (30) is not a notch but a protruding lip which is engaged by catch detents (see Hawie column 4, lines 18-22). To the contrary, Applicants' notch as disclosed and claimed is a laterally extending notch on the inside surface of one of the jaws to help prevent the unintentional removal of a cable tie due to vibration which is held within the hook (see

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Applicants' specification at page 6, lines 6-8). The Hawie structure which the Examiner has identified as the Applicants' claimed notch is completely different in structure and function and therefore is non-anticipatory.

Other claimed structures not found in either Hawie reference include orientation marks (claim 3); deformer undercut grooves (claim 4); an insert which partially encompasses the lateral sides of the fastener (claim 5); an inwardly pivotable flap that lies across the frontal opening within the hook (claim 7); a unitary flap which is resiliently biased toward a closed position (claim 8); a spring-biased catch which covers the frontal opening (claim 9 – the structure identified by the Examiner in the Hawie '952 patent includes a spring-biased catch but it is not pivotable and does not cover the frontal opening); a pivot for the catch which includes two opposing ears (claim 10); or the insert being a continuous cylinder (claim 14).

Therefore the outstanding rejection of claims 1-8 and 14-15 under 35 U.S.C. 102(e) is respectfully traversed since claimed structures are missing from the cited reference. Furthermore, these novel structures would not be obvious to one of ordinary skill in the art with the Hawie '471 patent before him or in combination with the Hawie '952 patent since there is no teaching or suggestion for creating these structures or for combining the Hawie teachings to form a self-clinching cable hook. Furthermore, there are no structures in the teachings of either of these references which are structurally or functionally substitutable or equivalent to those that are claimed but missing. For example, the claimed self-clinching attachment structures are not equivalent to or substitutable for the Hawie attachment structures (i.e. through-holes and nails,

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screws, or bolts). The claimed clinch attachment structures employing deformers and undercut structures require the deformation of material and eliminate the need for loose hardware whereas the Hawie attachment structures provide easily releasable affixation and replacement and greater selection of the host material since it need not be plastically deformable. Thus, the respective attachment structures are extremely different so that it would not be obvious to substitute one for another since the benefits and advantages of easily replaceable through-hole fasteners would be lost.

Claims 9 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hawie in view of U.S. Patent 4,897,952 to Hawie. In forming this rejection, the Examiner states that the Hawie '952 patent includes a spring-biased catch (72) with opposing ears (62 of Figure 6) that engage the cooperating recesses on opposite sides of the lower jaw. This is incorrect. The Hawie '952 reference discloses a spring-biased slidable locking element (64) which secures the catch (69) that covers the frontal opening between the jaws. The structure (70) is only a pin used to slide the slidable element (64) from an unlocked position (see Hawie '952, column 3, lines 62-68 and column 4, lines 1-11). Hawie '952 shows a spring-biased slidable element which locks the catch in place but it does not teach a spring-biased catch that covers the frontal opening. Therefore, even if the spring-biased element of Hawie '952 was logical to combine with the Hawie '471 disclosed devices, none would meet the limitations of Applicants' claims. Therefore, the Applicants' claimed spring-biased catch which covers the frontal opening as recited in claims 9 and 10 is both novel and unobvious when considered in light of either of the Hawie '471 or '952

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references, taken singly or in combination.

In light of the foregoing amendments and arguments, claims 1-15 as amended presently pending in this application are now deemed to be in condition for allowance. Any prima facie case of obviousness under 35 U.S.C. 103 that the Examiner may have made out has been sufficiently rebutted. Allowance of these claims at an early date is hereby solicited.

Respectfully submitted,



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DATE: 1/31/06



Annotated Sheet Showing Changes

FIG.4

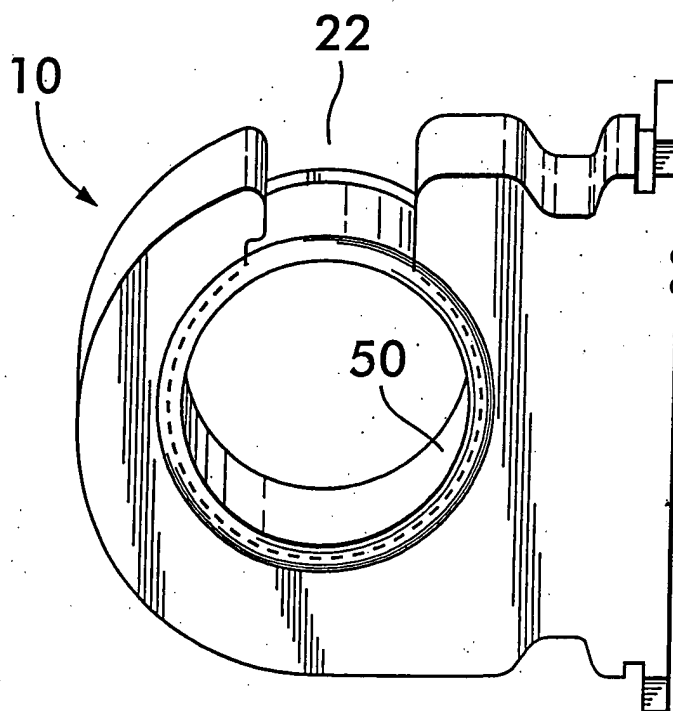
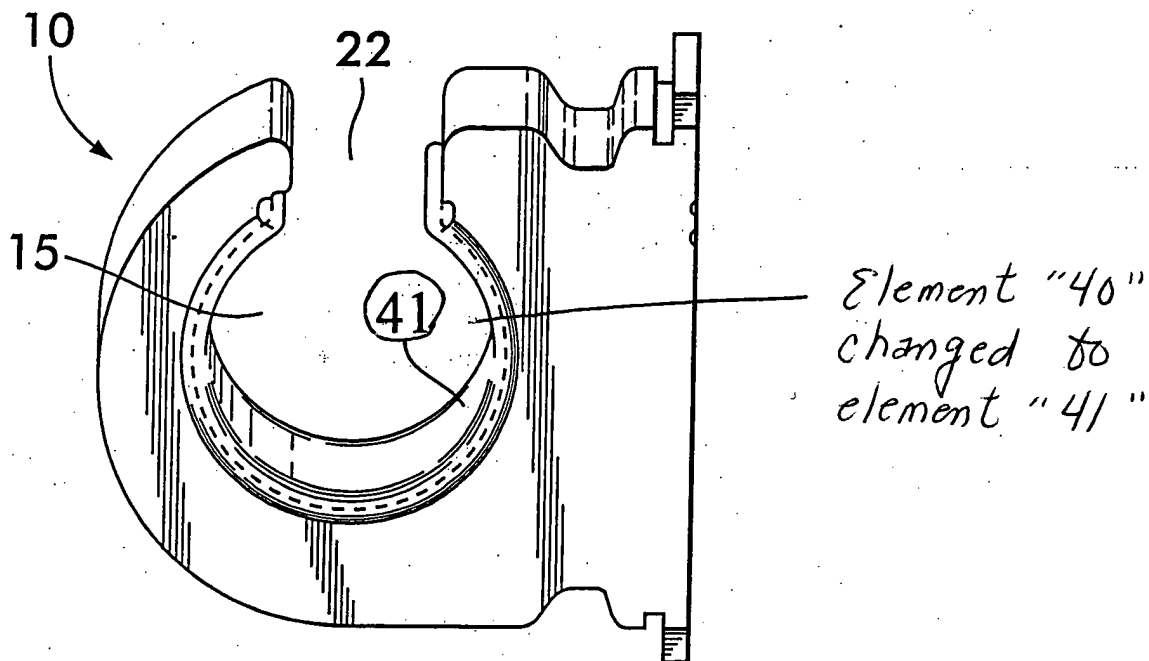


FIG.5